

10/03/01	Confer with B. Moffitt regarding procedural briefing. M. Waller	0.2 hrs.	53.00
10/03/01	Discussing issues re: motion to supplement with J. Clark. M. Waller	0.3 hrs.	79.50
10/03/01	Working with M. Bennett and B. Moffitt regarding additions and revisions to Statement of the Case, procedural history, and arguments and reviewing and revising same. M. Waller	0.9 hrs.	238.50
10/03/01	Research regarding retrospective premiums; work on statement of facts K. Helmer	2.0 hrs.	500.00
10/03/01	Telephone call to Staff Counsel re: motion to supplement record and confer with M. Waller and J. Clark re: same. B. Moffitt	0.1 hrs.	23.00
10/03/01	Revise and Amend Appellate Brief. M. Bennett	1.5 hrs.	262.50
10/03/01	Work with Mike Waller and Brian Moffitt regarding brief and 2nd Circuit requirements. M. Bennett	0.5 hrs.	87.50
10/03/01	Work with M. Waller and M. Bennett re: appellate brief. B. Moffitt	0.6 hrs.	138.00
10/04/01	Review memo from B. Bennett regarding additions and revisions to appeal brief. M. Waller	0.2 hrs.	53.00
10/04/01	Follow up re: briefing; review re: issues. A. Marchetta	0.3 hrs.	118.50
10/04/01	Calls with M. Bennett regarding same. K. Helmer	0.5 hrs.	125.00
10/04/01	Work on statement of facts and revising brief point.		

	K. Helmer	4.8 hrs.	1,200.00
10/04/01	Continued preparation of brief section on choice of law; review case law re: same.		
	B. Moffitt	1.3 hrs.	299.00
10/04/01	Shepardized case law in appellate brief.		
	D. Buerrose	1.1 hrs.	154.00
10/04/01	Research draft and amend section 46 point of Appellate Brief; confer with Brian Moffitt and Anthony Marchetta re: same.		
	M. Bennett	2.0 hrs.	350.00
10/05/01	Review and revise appellate brief.		
	K. Helmer	3.5 hrs.	875.00
10/06/01	Continued work on brief.		
	K. Helmer	4.2 hrs.	1,050.00
10/08/01	E-mails and follow up regarding draft brief.		
	A. Marchetta	0.3 hrs.	118.50
10/08/01	Draft memorandum to A. Marchetta regarding status of brief and anticipated opposition by CNA to motion to enlarge the record.		
	M. Waller	0.2 hrs.	53.00
10/08/01	Reviewing and drafting additions and revisions to same.		
	M. Waller	1.7 hrs.	450.50
10/08/01	Meeting with K. Helmer and B. Moffitt regarding finalizing draft of appellate brief.		
	M. Waller	1.8 hrs.	477.00
10/08/01	Work with K. Helmer regarding revisions to appellate brief.		
	M. Waller	0.3 hrs.	79.50
10/08/01	Discuss changes to section 46 issue with M. Bennett.		
	M. Waller	0.3 hrs.	79.50
10/08/01	Memo to M. Waller and B. Moffitt regarding recent decision.		

	K. Helmer	0.6 hrs.	150.00
10/08/01	Continued work on brief and confer with M. Waller re: brief; update research on choice of law.		
	K. Helmer	2.0 hrs.	500.00
10/08/01	Reviewed citations in appellate brief.		
	D. Buerrose	1.9 hrs.	266.00
10/08/01	Confer with K. Helmer re: brief.		
	B. Moffitt	1.0 hrs.	230.00
10/08/01	Work with M. Waller and K. Helmer re: additional inserts needed for brief, including section detailing the actual conflicts between the laws of the various states.		
	B. Moffitt	0.8 hrs.	184.00
10/09/01	Follow up with A. Marchetta regarding status of briefing.		
	M. Waller	0.1 hrs.	26.50
10/09/01	Drafting additions and revisions to appellate brief.		
	M. Waller	2.1 hrs.	556.50
10/09/01	Reviewing choice of law research re: application of pollution exclusion by state and draft memo to B. Moffitt regarding same.		
	M. Waller	0.7 hrs.	185.50
10/09/01	Review recent New York Appellate Division opinion regarding choice of law.		
	M. Waller	0.3 hrs.	79.50
10/09/01	Confer with K. Helmer regarding additions and revisions to draft brief.		
	M. Waller	0.5 hrs.	132.50
10/10/01	Review affidavit of DeCristafaro; work with staff re: same.		
	A. Marchetta	0.5 hrs.	197.50
10/10/01	Reviewing draft brief and drafting revisions and comments to same.		
	M. Waller	0.7 hrs.	185.50

10/10/01	Working with B. Moffitt regarding choice of law appellate argument. M. Waller	1.0 hrs.	265.00
10/10/01	Confer with J. Clark regarding reply brief. M. Waller	0.4 hrs.	106.00
10/10/01	Draft memo to and follow up with A. Marchetta regarding same. M. Waller	0.3 hrs.	79.50
10/10/01	Review and analyze CNA opposition to motion to supplement record. M. Waller	0.5 hrs.	132.50
10/10/01	Review and revise brief; research regarding choice of law K. Helmer	3.7 hrs.	925.00
10/10/01	Work with M. Waller and A. Marchetta concerning reply and analyzing opposition. J. Clark	1.6 hrs.	336.00
10/10/01	Work with M. Waller re: same. B. Moffitt	1.1 hrs.	253.00
10/10/01	Preparation of brief insert re: nature of conflict of laws of the various jurisdictions. B. Moffitt	3.6 hrs.	828.00
10/11/01	Work with M. Waller re: issues for appeal; review DeCristafaro motion. A. Marchetta	0.5 hrs.	197.50
10/11/01	Review revisions to draft brief and prepare comments to same; discuss same with A. Marchetta. M. Waller	0.9 hrs.	238.50
10/11/01	Revise brief; memo to M. Waller and B. Moffitt regarding same. K. Helmer	3.9 hrs.	975.00
10/11/01	Review cases cited in opposition brief and reviewed materials submitted to court. J. Clark	1.9 hrs.	399.00

10/11/01	Confer with K. Helmer re: brief. B. Moffitt	0.1 hrs.	23.00
10/11/01	Began drafting reply. J. Clark	3.4 hrs.	714.00
10/12/01	Review information re: draft brief and follow up re: filings on motions. A. Marchetta	0.6 hrs.	237.00
10/12/01	Research regarding retrospective premiums. K. Helmer	2.3 hrs.	575.00
10/12/01	Continue preparation of brief insert re: nature of conflict of laws of the various jurisdictions. B. Moffitt	3.1 hrs.	713.00
10/14/01	Drafting additions and revisions to reply brief in support of motion to supplement record on appeal and Confering with C. Clark regarding same. M. Waller	1.8 hrs.	477.00
10/14/01	Reviewed changes to brief. J. Clark	0.7 hrs.	147.00
10/15/01	Working with K. Helmer to finalize appeal brief. M. Waller	0.7 hrs.	185.50
10/15/01	Drafting additions and revisions and memo to J. Clark regarding same. M. Waller	2.0 hrs.	530.00
10/15/01	Review revised reply brief to supplement the record; Discussing additions and revisions to same with J. Clark. M. Waller	0.9 hrs.	238.50
10/15/01	Meeting with M. Waller regarding brief on appeal; review insert for choice of law argument' revise brief. K. Helmer	3.1 hrs.	775.00
10/15/01	Revised reply brief and discuss same with M. Waller; researched filing requirements under FRCP 5(e).		

	J. Clark	2.1 hrs.	441.00
10/15/01	Work with M. Waller and continue drafting insert for choice of law point re: examples of actual conflicts between the laws of the various states.		
	B. Moffitt	1.3 hrs.	299.00
10/16/01	Review motion brief; confer with M. Waller re: same.		
	A. Marchetta	0.8 hrs.	316.00
10/16/01	Confer with A. Marchetta and J. Clark re: finalizing brief re: supplementing record.		
	M. Waller	0.2 hrs.	53.00
10/16/01	Working with B. Moffitt regarding choice of law issues - law applicable in each state.		
	M. Waller	0.8 hrs.	212.00
10/16/01	Continued work on brief.		
	K. Helmer	2.6 hrs.	650.00
10/16/01	Finalized and filed reply brief.		
	J. Clark	1.9 hrs.	399.00
10/16/01	Work with M. Waller and D. Buerrosse re: additional research re: recent case law.		
	B. Moffitt	0.3 hrs.	69.00
10/16/01	Discussion with M. Waller concerning reply.		
	J. Clark	0.2 hrs.	42.00
10/17/01	Reviewing appeal brief and preparing additions to same.		
	M. Waller	2.0 hrs.	530.00
10/17/01	Work with B. Moffitt regarding updating case law in brief and recent cases re: choice of law.		
	M. Waller	0.6 hrs.	159.00
10/17/01	Revise choice of law argument.		
	K. Helmer	3.8 hrs.	950.00
10/17/01	Review case law assembled by D. Buerrosse re: potential inclusion on appellate brief; confer with M. Waller re: same.		

	B. Moffitt	5.6 hrs.	1,288.00
10/18/01	Reviewing and revising appellate brief. M. Waller	1.3 hrs.	344.50
10/18/01	Work with K. Helmer regarding revisions to choice of law and Section 46 arguments. M. Waller	0.8 hrs.	212.00
10/18/01	Meeting with M. Waller regarding brief and continued work on revising choice of law argument. K. Helmer	2.8 hrs.	700.00
10/18/01	Updating New York law on choice of law in contract cases and draft memo to B. Moffitt. D. Buerrose	5.3 hrs.	742.00
10/19/01	Confer and follow up with B. Moffitt regarding return date of motion to supplement and scheduling of oral argument (if any). M. Waller	0.2 hrs.	53.00
10/19/01	Conferring with K. Helmer regarding same. M. Waller	0.3 hrs.	79.50
10/19/01	Drafting additions and revisions to appellate brief. M. Waller	4.0 hrs.	1,060.00
10/19/01	Review recent decision on sudden and accidental pollution exclusion. K. Helmer	0.4 hrs.	100.00
10/19/01	Memo to M. Waller regarding same. K. Helmer	0.7 hrs.	175.00
10/19/01	Continued work on appellate brief. K. Helmer	0.7 hrs.	175.00
10/19/01	Telephone calls to Second Circuit re: status of motion to supplement the record. B. Moffitt	0.2 hrs.	46.00
10/19/01	Work with M. Waller and K. Helmer re: additional case law. B. Moffitt	0.2 hrs.	46.00

10/20/01	Continued work on brief. K. Helmer	2.5 hrs.	625.00
10/21/01	Draft memo to K. Helmer regarding additional policy provisions applicable to choice of law argument. M. Waller	0.2 hrs.	53.00
10/21/01	Reviewing policies and drafting additions and revisions to appellate brief points including Section 46 and choice of law. M. Waller	3.2 hrs.	848.00
10/22/01	Work with M. Waller re: brief issues. A. Marchetta	0.2 hrs.	79.00
10/22/01	Drafting additions and revisions to brief points and work with B. Moffitt regarding same and Confer with M. Bennett and A. Marchetta regarding revisions to same. M. Waller	6.4 hrs.	1,696.00
10/22/01	Memo to M. Waller regarding revisions to choice of law argument; research and work on insert regarding same. K. Helmer	3.8 hrs.	950.00
10/22/01	Confer with Mike Waller regarding Appellate Brief; amendments and additions. M. Bennett	0.3 hrs.	52.50
10/22/01	Revise and amend appellate brief. M. Bennett	3.2 hrs.	560.00
10/22/01	Confer with M. Waller and review prior choice of law briefing and supporting affidavits re: whether specific policy language was referenced in prior briefing. B. Moffitt	2.6 hrs.	598.00
10/23/01	Follow up with M. Waller re: brief and Rule 46 issue. A. Marchetta	0.6 hrs.	237.00

10/23/01	Attending to issues re: motion for leave to file oversize brief with J. Clark and research and preparation of procedural histories and statements of fact for use in same. M. Waller	0.7 hrs.	185.50
10/23/01	Confer with A. Marchetta regarding status of briefing. M. Waller	0.6 hrs.	159.00
10/23/01	Working with M. Bennett regarding Section 46 argument, research re: risk of changing law, and drafting additions and revisions to appellate argument; drafting preliminary statement, and additions and revisions to entire brief. M. Waller	2.6 hrs.	689.00
10/23/01	Edit choice of law argument. K. Helmer	3.2 hrs.	800.00
10/23/01	Revise and amend appellate brief/section 46 including review legislative history and review holding in Hatco for precedent value. M. Bennett	2.4 hrs.	420.00
10/23/01	Drafted motion to file overlength brief. J. Clark	2.1 hrs.	441.00
10/24/01	Work with M. Waller and staff re: brief. A. Marchetta	0.8 hrs.	316.00
10/24/01	Working with M. Bennett and A. Marchetta re: section 46 arguments (statutory interpretation, illegality of contract) and drafting additions and revisions to Section 46 arguments. M. Waller	3.4 hrs.	901.00
10/24/01	Draft memo to K. Helmer regarding same. M. Waller	0.2 hrs.	53.00
10/24/01	Drafting additions and revisions to appellate points re: choice of law and 1990 settlement agreement. M. Waller	3.9 hrs.	1,033.50

10/24/01	Review case law regarding effect of repeal of statute on the legality of contract. M. Bennett	0.8 hrs.	140.00
10/24/01	Confer with Michael Waller and revise and amend appellate brief. M. Bennett	0.8 hrs.	140.00
10/24/01	Revise and amend Section 46 appellate argument. M. Bennett	1.5 hrs.	262.50
10/25/01	Confer with K. Helmer regarding status of revisions to self-insurance and 1990 settlement agreement issues. M. Waller	0.2 hrs.	53.00
10/25/01	Working with M. Bennett and B. Moffitt regarding same. M. Waller	1.5 hrs.	397.50
10/25/01	Reviewing and commenting on brief in connection with finalizing same. M. Waller	3.6 hrs.	954.00
10/25/01	Work with M. Waller and M. Bennett re: remaining tasks necessary to finalize appellate brief. B. Moffitt	1.3 hrs.	299.00
10/25/01	Review draft of Appellate brief re: proposed edits. B. Moffitt	1.7 hrs.	391.00
10/25/01	Prepare brief inserts emphasizing that formation of policies occurred outside of New York. B. Moffitt	1.2 hrs.	276.00
10/25/01	Confer with Michael Waller and Brian Moffitt regarding finalization of appellate brief. M. Bennett	1.0 hrs.	175.00
10/25/01	Appellate brief; citations to record. M. Bennett	2.2 hrs.	385.00
10/25/01	Reviewed appellate brief for proper citation form. D. Buerrose	2.1 hrs.	294.00

10/26/01	Research regarding sudden and accidental pollution exclusion and former NY Ins. Law section 46 and call with M. Waller and B. Moffitt regarding revisions to brief. K. Helmer	4.6 hrs.	1,150.00
10/26/01	Work with M. Bennett re: incorporation various revisions to brief. B. Moffitt	1.1 hrs.	253.00
10/26/01	Telephone call with M. Waller and K. Helmer re: brief; review draft motion to file oversize brief; preparation of fax to M. Waller re: same. B. Moffitt	0.8 hrs.	184.00
10/26/01	Reviewed appellate brief for proper citation form. D. Buerrose	3.2 hrs.	448.00
10/29/01	Work on brief and motion issues with M. Waller. A. Marchetta	0.8 hrs.	316.00
10/29/01	Follow up with J. Clark re: issues raised and law in support of motion to correct or modify record. M. Waller	0.3 hrs.	79.50
10/29/01	Drafting letter to Second Circuit Staff Counsel re: re-submission of motion re: record to District Court and revising briefing schedule accordingly. M. Waller	0.6 hrs.	159.00
10/29/01	Working with K. Helmer regarding additional briefing issues. M. Waller	0.4 hrs.	106.00
10/29/01	Telephone conference with CNA counsel regarding re-submission of motion to District Court. M. Waller	0.4 hrs.	106.00
10/29/01	Conferring with A. Marchetta regarding status of motion to file over length brief and draft brief. M. Waller	0.3 hrs.	79.50
10/29/01	Telephone conference with Second Circuit Staff Counsel regarding disposition of Grace's motion to Correct or Modify the record. M. Waller	0.5 hrs.	132.50

10/29/01	Drafting additions and revisions to appellate brief. M. Waller	1.5 hrs.	397.50
10/29/01	Meeting with K. Helmer and B. Moffitt to finalize brief and working with K. Helmer re: revising Section 46 (statutory construction) argument. M. Waller	0.7 hrs.	185.50
10/29/01	Working with J. Clark re: revising motion and certification in support of application to file over length brief. M. Waller	0.3 hrs.	79.50
10/29/01	Review Motion and certification in support of application to file over-length brief. M. Waller	0.3 hrs.	79.50
10/29/01	Confer with A. Marchetta regarding denial of motion re: record. M. Waller	0.3 hrs.	79.50
10/29/01	Calls with B. Moffitt regarding cite checking. K. Helmer	0.2 hrs.	50.00
10/29/01	Work with M. Waller and B. Moffitt regarding revisions to brief. K. Helmer	0.5 hrs.	125.00
10/29/01	Research in connection with NY Ins. Law Section 46 Argument. K. Helmer	1.5 hrs.	375.00
10/29/01	Meeting with M. Waller regarding motion to supplement record on appeal. K. Helmer	0.3 hrs.	75.00
10/29/01	Review and revise brief. K. Helmer	2.0 hrs.	500.00
10/29/01	Conference with M. Waller concerning motion to modify record and Second Circuit's decision to have district court hear motion; researched court rules concerning supplementation of record. J. Clark	0.8 hrs.	168.00

10/29/01	Telephone call to Staff Counsel re: status of motion to supplement record and work with M. Waller re: same. B. Moffitt	0.2 hrs.	46.00
10/29/01	Work with M. Waller and J. Clark re: facts supporting motion for over length brief; work with K. Helmer re: choice of law section of brief. B. Moffitt	1.3 hrs.	299.00
10/29/01	Revise brief. B. Moffitt	1.1 hrs.	253.00
10/29/01	Work with M. Waller and K. Helmer re: revisions to appellate brief. B. Moffitt	1.0 hrs.	230.00
10/30/01	Conference with M. Waller re: order from Second Circuit and motion. A. Marchetta	0.4 hrs.	158.00
10/30/01	Finalize letter to S. Bass. M. Waller	0.3 hrs.	79.50
10/30/01	Meeting with B. Moffitt and J. Clark regarding same and authority of Circuit Court to refer matters to District Court and procedures to bring motion before District Court. M. Waller	0.4 hrs.	106.00
10/30/01	Telephone conferences with CNA counsel regarding submission of motion to correct or modify to District Court. M. Waller	0.7 hrs.	185.50
10/30/01	Finalize letter to Second Circuit Staff Counsel (S. Bass) with A. Marchetta and prepare transmittal letter to CNA counsel re: draft of same. M. Waller	0.7 hrs.	185.50
10/30/01	Conference with M. Waller and B. Moffitt concerning filing of motion with district court. J. Clark	0.5 hrs.	105.00

10/30/01	Work with M. Waller re: motion to supplement record and re: preparation of correspondence to staff counsel re: decision on motion and adjusted briefing schedule; telephone calls with defendants counsel re: same.		
	B. Moffitt	0.9 hrs.	207.00
10/31/01	Revising section 46 argument.		
	K. Helmer	2.5 hrs.	625.00

Attorney Summary

Timekeeper	Hours	Rate	Dollars
A. Marchetta	6.10	395.00	2,409.50
M. Waller	65.70	265.00	17,410.50
K. Helmer	71.00	250.00	17,750.00
M. Bennett	16.20	175.00	2,835.00
D. Buerrose	13.60	140.00	1,904.00
J. Clark	15.20	210.00	3,192.00
B. Moffitt	32.90	230.00	7,567.00
	TOTALS 220.70		53,068.00

**SUMMARY OF COMPENSATION FOR THE FEE PERIOD
OCTOBER 1, 2001 THROUGH OCTOBER 31, 2001**

Name of Professional Person	Year Admitted	Hourly Billing Rate	Total Billed Hours	Total Compensation (\$)
PARTNERS				
Anthony J. Marchetta	1974	395.00	23.6	9,322.00
Lawrence F. Reilly	1965	325.00	4.5	1,462.50
Brian Montag	1990	295.00	3.1	914.50
Colleen R. Donovan	1987	280.00	1.3	364.00
Michael E. Waller	1991	265.00	65.7	17,410.50
Scott A. Zuber	1987	265.00	14.7	3,895.50
COUNSEL				
John P. Scordo	1988	260.00	1.5	390.00
Kathy Dutton Helmer	1981	250.00	71.0	17,750.00
ASSOCIATES				
Brian E. Moffitt	1992	230.00	32.9	7,567.00
William S. Hatfield	1993	225.00	1.4	315.00
Wendy B. Green	1999	220.00	1.3	286.00
Joseph A. Clark	1999	210.00	15.2	3,192.00
Meghan Ann Bennett	1998	175.00	16.2	2,835.00
Denise L. Buerrose	2001	140.00	13.6	1,904.00
PARAPROFESSIONALS				
Elizabeth Greenfield	N/A	85.00	1.1	93.50
Douglas S. Florence	N/A	80.00	7.2	576.00
Susan Parker	N/A	80.00	6.6	528.00
Grand Total Time Reports (Hours and Dollars) for the Fee Period October 1, 2001 through October 31, 2001			280.9 Hours TOTAL	\$68,805.50

SUMMARY OF EXPENSES FOR THE FEE PERIOD
OCTOBER 1, 2001 THROUGH OCTOBER 31, 2001

TYPE OF EXPENSE	
Computer-Assisted Research	185.47
Document-Access Facility	11,437.38
Duplicating	702.54
Express Delivery	767.97
Telephone	109.73
Facility Copying Expense	1097.60
Postage	25.61
Travel and Miscellaneous Expense	4886.27
Vendor: Paid Doerner & Goldberg for services	1,165.40
Vendor: Paid Pennoni Associates for services	2,800.00
Grand Total Expenses for the Fee Period October 1, 2001 through October 31, 2001	23,481.14